IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SATURDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.14142 of 1999

Between:

Boorka Buchiramulu S/o. Boorka Samaiah
R/o. Gunjedu Village, Kothaguda Mandal, Warangal District.

..... PETITIONER

AND

1 The Project Officer, L.T.D.A.
Eturunagaram, Warangal District.
2 Koppula Narayana S/o. Mallaiah
Girijana Vidya Vikas Kendra, Chittyalagadda of Kistapur Village,

Warangal district,
R/o Kistapur Village Kothaguda mandal, Warangal District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly Writ of Mandamus directing the 1st respondent to consider the case of the petitioner for the post of Teacher in the Girijana Vidya Vikasa Kendra, Chittyalagadda of Kistapur Village, Kothaguda Mandal, Warangal District by declaring the action of the 1st respondent in selecting the 2nd respondent for the said post as illegal and void and consequently setting aside the same and pass such other and further orders as this Hon'ble Court may deem fit in the circumstances of the case.

Counsel for the Petitioner: Mr. A.RAMALINGESWAR RAO

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.2: None appeared

The Court made the following :

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus to direct the 1st respondent to consider the case of the petitioner for the post of Teacher in Girajana Vidya Vikasa Kendra, Chityalagadda of Kistapur village, Kothaguda Mandal, Warangal district by declaring the action of the 1st respondent in selecting the 2nd respondent for the said post as arbitrary and illegal.

The case of the petitioner is that he is the permanent resident of Gunjed village of Kothaguda Mandal of Warangal district. He registered his name with the Sub-Employment Exchange, Eturunagaram of Warangal district. In pursuance of the notification issued by the 1st respondent dated 28-4-1998 inviting applications for the post of Teacher in Girajana Vidya Vikasa Kendra, he applied for the same and appeared for the written test held on 24-5-1998. The results of the said examination were published on 26-5-1998. According to the petitioner, he is the only local candidate i.e. a resident within the radius of 2 Kilometres of the village/thanda/hamlet where the School is situated and got highest marks i.e. 37, whereas the case of the 2nd respondent was considered and he was appointed. The 2nd respondent does not fall within the 2 KMs radius principle and he is a native of different village, which is not within the 2 KMs radius. Therefore, the appointment of the 2nd respondent is bad in law.

In the counter affidavit filed by the 1st respondent, it is asserted that the Commissioner of Tribunal Welfare, Andhra Pradesh, Hyderabad vide Telegram dated 29-5-1999 instructed not to make any appointments for the post of Girajana Vidya Vikasa Teacher, until further orders. Therefore, action has to be taken for the appointment of Girajana Vidya Vikasa Teachers. Petitioner's case will be examined as per the norms whenever orders are received from the Commissioner of Tribal Welfare, Hyderabad regarding Girajana Vidya Vikasa Teachers.

In view of the above averments in the counter affidavit, there is no necessity of going into all the details except directing the respondents to consider the case of the petitioner and take appropriate action as per law, if not already taken, within a period of three months from the date of receipt of a copy of this order,

Accordingly, the Writ Petition is disposed of. No order as to costs.

20-8-2005

prk